

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS (BOSTON)
CIVIL ACTION CASE NO.#04-cv-10291-RWZ.

CLERK OF COURT
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DISTRICT OF MASS.

John F. Richards)
Plaintiff,)
V.)
Mass.Dept.of Corrections;)
UMass.Correctional,)
Medical Services;)
Kathleen Dennehy, Commissioner;)
Carol Mici, Acting Superintendent;)
Massachusetts Board of Registration,)
(In Medicine);)
M.L. Angeles, Medical Doctor;)
Khalid Mohamed, Medical Doctor;)
Dr. Childs, Medical Doctor;)
Asma Ahmed, Nurse Practitioner;)
Jane Doe, Physical Therapist;)
et;al, (Defendants,)

Affidavit of
John F. Richards in
Support of Motion.

I John F. Richards, the pro-se Plaintiff in the above-entitled do hereby swear that all of the facts contained in this affidavit are true to the best of my knowledge and I swear to this this 09th, day of March 2004. I have been on several occasions here at MCI Shirley Medium been denied access to the library and/or law library since I have been here and started to address my issues within the courts. I have been given a pass for extra time in the libraries on paper but it adds up to still not enough time as the library is not open when it should be. The librarian is never on time, closes when he feels like it and never keeps to the posted schedual. As is the Law Library is inadequate as massive amounts of law books are in a state of disrepair. Many have whole case laws and chapters ripped out of them making researching a challenge and often I cannot find

what I am looking for in these badly needed books. The librarian acts with indifference to my needs and knows that there are some serious issues with this library and access to it but does not care and will not provide any relief when needed. The recent incident was when I asked this staff member for some copies of some exhibit tags needed for this civil action as well as for another case. This staff member denied me these copies stating that I did not need the exhibit tags and stated to do what everyone else does, (whatever that meant I do not know). This staff member should not be telling me how to label my exhibits and should not be commenting on my civil action at all.

There are only six (6) work areas in this law library for an Inmate population of about 1,100 inmates, two (2) handicapped areas, two (2) tables and a grand total of 14 chairs for an Inmate population of 1,100. There are no photo copies available without a staff member (the librarian) who is often not there. This has also been grieved at the institutional level where I got nowhere. Copies are left in a "cardboard Box" on a counter sometimes for hours where anyone in the entire building has access to my confidential legal materials. Anyone including other inmates can destroy my legal materials, copy my legal materials as well as anyone else's in this open box. Also photo copies are done by inmates and not staff. This also allows for my legal documents to be breached as this inmate is left alone and unsupervised while copying other inmates' legal and confidential legal documents. In one Arizona case 43 F.3d 1261 the court found that this kind of photo copy policy allowed for confidential legal documents to be breached and the policy had

to be changed. There is no dictionary in the law library and there are no supplies i.e. pens, paper, envelopes ect. available also if there is no librarian available. Typewriters are locked-up and not accessable without this librarian who always finds a reason to close whenever he wants, or open when he wants and not when posted.

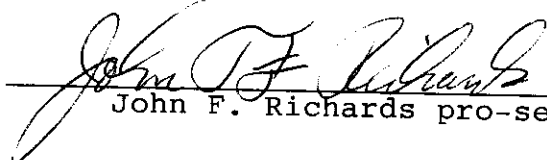
There are 240 not current volumes of legal refference books locked-up in another room and not accessable without this staff member. Although not current these books can still be used for some purpouses. There are 167 volumes of Federal Suppliments locked-up in an entirely different location. These are current but mostly not accessable unless the Correctional officer or the librarian unlock this other room. Of course this does not always happen.

It is always hit or miss and a real treasure hunt when trying to find official court papers, forms, or CMR's (Commonwealth Rules) and/or DOC policies. The are always out of stock and I often have to send to the courts for these items which should be made easilly and readily available. There are no adequately trained clerks to assist us in our matters, and no one to show us how to use the law books that are available. There is a class which teaches how to use these law books but I have been denied access to this class. I lost on my grievance concerning this matter but I won on appeal to the commissioner of corrections. I have still not been let into this law class and have not been shown how to do research with the law books although other inmates here have.

There are 1,241 volumes of Federal Supplements on microfiche in the law library but there is only one machine to view these on so if someone is doing research no one else can access these cases. There are no bi-lingual clerks or clerks to help illiterate inmates in preparing their legal documents.

This whole library and law library system here is inadequate and impedes my access to the courts. I feel as if I am kept out of this on purpose as retaliation for past and present actions and/or complaints. This is just a sample of what is wrong with this whole library system here and I hope that my Motion will be allowed and that the court steps in and provides me some relief from my present situation.

Respectfully Submitted,


John F. Richards pro-se,

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